

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ERICK FONTAIN THOMAS,

Petitioner,

v.

STATE OF MINNESOTA,

Respondent.

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Civil No. 10-2303 (MJD/JJG)

**ORDER ON REPORT AND  
RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. This action is summarily **DISMISSED WITHOUT PREJUDICE**, unless, before the deadline for filing objections to this Report and Recommendation, Petitioner files an amended habeas corpus petition listing only fully exhausted claims; and

2. Respondent's "Motion To Dismiss Petition For Writ Of Habeas Corpus," (Docket No. 6), is **DENIED AS MOOT**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 4, 2010

s/Michael J. Davis

MICHAEL J. DAVIS

Chief United States District Judge